

Appl. No. 10/825,104
Reply Dated October 19, 2006
Reply to Office action of August 25, 2006

REMARKS

Claims 1-7 and 9 stand rejected in this application under 35 U.S.C. 102 as being unpatentable over Uchiyama (US 2003/0078071).

At pages 2-3 of the office action, the Examiner states that the claimed invention is anticipated by Uchiyama, and in particular, that Uchiyama teaches a mobile alerter for a mobile communication device, the mobile alerter comprising a processor, a power supply, a wireless receiver to communicate with the mobile communication device, notification hardware for triggering a notification of an incoming alert, and a connection interface for removably connecting the mobile alerter to the mobile communication device, the mobile alerter forming the notification unit of the mobile communication device such that the mobile alerter output notification alerts for the mobile communication device when the mobile alerter is in a tethered mode, and the mobile alerter outputs notification alerts for the mobile communication device when the mobile alerter is an un-tethered mode.

We respectfully disagree. Uchiyama does not disclose a mobile alerter that outputs notification alerts for a mobile communication device both when in a tethered mode and when in an un-tethered mode.

Uchiyama describes a docking station 2 with cradles for both a cordless telephone handset 4 and a wireless telephone 6. Telephone resources originating from either the wireless telephone 6 or a land-line through a wire-line interface 8 can be re-routed to the cordless telephone handset 4 via the docking station 2. The docking station 2 allows land-line and wireless telephone resources to be consolidated into a single device having cordless telephone capability (see [0010], Uchiyama).

Consider the scenario suggested by the Examiner at page 3 of the office action, where the claimed mobile communication device is the wireless telephone 6 of Uchiyama, and the claimed mobile alerter is the docking station 2 of Uchiyama as shown in Fig. 6 thereof.

First, fundamentally, a person of ordinary skill in the art would not seriously consider Uchiyama's docking station 2 as a mobile (i.e. portable) alerter, since it is designed to accept a wired connection to a land-line through a RJ-11 jack 8 or equivalent, in order to achieve the stated object of consolidating that resource with the wireless telephone resource into a single device. The skilled person would understand that a mobile alerter would not be restricted by such wired connection. The skilled person would also understand that a mobile alerter is small and portable, and can be worn or carried on the human body, for example (e.g. see [0004], Applicant's specification).

Notwithstanding the above, Uchiyama does not disclose all of the claimed limitations, even if one were to consider the Uchiyama device in absence of a land-line connection. The claims require that the mobile alerter (i.e. docking station 2) form the notification unit of the mobile communication device (i.e. wireless telephone 6) such that the mobile alerter outputs notification alerts for the mobile communication device when the mobile alerter is in a tethered mode (i.e. wireless telephone 6 is docked in docking station 2) and when the mobile alerter is in an un-tethered mode (i.e. wireless telephone 6 is not docked in docking station 2).

In order for Uchiyama to anticipate Claim 1, it is not sufficient that wireless telephone 6 merely be capable of being connected to or disconnected from the docking station 2. Docking station 2 must also be adapted to output notification alerts for the wireless telephone 6 when the wireless telephone 6 is connected to the docking station 2 and when it is not connected to the docking station 2.

Clearly, this is not the case. Docking station 2 provides a wireless cradle 16 in which the wireless telephone 6 is to be docked. Uchiyama discloses that this wireless cradle 16 accepts, supports, and interfaces to a wireless telephone 6 through a physical, mechanical and electrical interface on the wireless telephone 6 (see [0031] and [0037]-[0038], Uchiyama). While, arguably, docking station 2 may provide certain output functionality (e.g. via speaker 50, answering machine 78 or speakerphone 80) when wireless telephone 6 is docked in wireless cradle 16, Uchiyama neither teaches nor suggests that the docking station 2 is capable of receiving signals and generating output originating from the wireless telephone 6 when the wireless telephone 6 is disconnected from the docking station 2. In fact, Uchiyama clearly teaches that when the wireless telephone 6 is not disconnected to the docking station 2 through wireless cradle 16, the docking station 2 may only rely on land-line signals from the land-line interface 8 (see [0044], Uchiyama, re: step 102 of FIG. 7).

The claims that are pending in the present application clearly require that the mobile alerter provide both a wireless receiver and a connection interface, and that the same mobile alerter output notification alerts for the mobile communication device both when in the tethered mode and when in the untethered mode. The device disclosed in Uchiyama does not possess every feature recited in the claims. Withdrawal of the Examiner's rejection under 35 U.S.C. 102 is respectfully requested.

Moreover, it would be erroneous to conclude that embodiments of the Applicant's invention would be obvious from the teachings of Uchiyama. It will be understood by persons skilled in the art that the device in Uchiyama works in a very different way than the claimed invention. Generally speaking, the docking station of Uchiyama allows calls to be handled through a cordless telephone rather than through the wireless telephone, when the wireless telephone is docked. According to Uchiyama, this is desirable since wireless telephones

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suffer from noise and interference problems (e.g. see [0006]-[0008], Uchiyama). Therefore, by docking the wireless telephone in the docking station, signals from the wireless telephone can be received by the docking station, and subsequently relayed to the cordless telephone. However, when the wireless telephone is not docked, the docking station is not capable of providing any alerting functionality on behalf of the wireless telephone or relaying signals from the wireless telephone. Instead, the wireless telephone operates normally when disconnected from the docking station, utilizing its built-in alerting capabilities.

In contrast, in the Applicant's device, since the same mobile alerter outputs notification alerts for the mobile communication device in both tethered and un-tethered modes, the mobile alerter might be employed, for example, to provide complete alerting functionality for a mobile communication device. In that example, notification hardware would not need to be replicated on both the mobile alerter and the mobile communication device. This may reduce manufacturing costs.

In view of the foregoing clarifications, Applicants respectfully submit that each of claims 1-7 and 9 are in form for allowance, and a notice to that effect is respectfully requested.

Respectfully submitted,
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